

U.S. PATENT & TRADEMARK OFFICE
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AMENDMENT TRANSMITTAL LETTER

Docket Number
EMS-07401

Application Number
10/808,781

Filing Date
March 25, 2004

First Named Inventor
Fernando OLIVEIRA

Group Art Unit
2164

Invention Title
CONTINUOUS DATA BACKUP

Examiner
PANNALA, Sathyanaraya R.

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is a response in the above-identified application, including:

- (X) Amendment and Response (22 Pages);
- (X) Amendment Transmittal (1 Page)
- (X) Return Postcard

CLAIMS AS PRESENTED

| | (1) | | (2) | (3) | | |
|--|---|-------|---|----------------------------|---------|-----|
| | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT NUMBER EXTRA | RATE | FEE |
| TOTAL CLAIMS | 30 | Minus | 35 | 0 | X \$52 | \$ |
| INDEPENDENT CLAIMS | 4 | Minus | 6 | 0 | X \$220 | \$ |
| MULTIPLE DEPENDENT CLAIM ADDED | | | | | \$390 | \$ |
| | | | | | TOTAL | \$ |
| If applicant has small entity status under 37 CFR 1.9 and 1.27, then divide total fee by 2, and enter amount here. | | | SMALL ENTITY TOTAL | | \$ | |

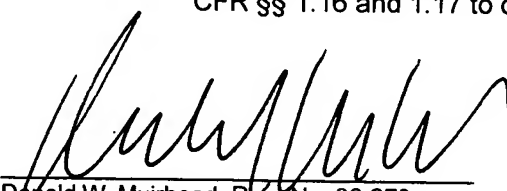
* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.

** If the highest number previously paid for Total Claims in column 2 is less than 20, enter "20."

*** If the highest number previously paid for Independent Claims in column 2 is less than 3, enter "3."


The "highest number previously paid for" (total or independent) is the highest number found in the appropriate box in column 1.

- () Please charge **Deposit Account Number 05-0889** in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- () Please charge \$_____ to our credit card. Attached is PTO Form 2038.
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- (X) Please credit any overpayment and/or charge any additional filing fees required under 37 CFR §§ 1.16 and 1.17 to our **Deposit Account Number 503596**.


Donald W. Muirhead, Reg. No. 33,978
January 5, 2009
Date

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Sandra Pires



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fernando OLIVEIRA, *et al.*

Appl. No.: 10/808,781

Filed: March 25, 2004

For: **CONTINUOUS DATA BACKUP**

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: Art Unit: 2164
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: Examiner: PANNALA,
: Sathyanaraya R.
:
: Docket No.: EMS-07401
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CERTIFICATE OF MAILING

I hereby certify that the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, "Post Office to Addressee", in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 5, 2009.


Sandra Pres

AMENDMENT AND RESPONSE TO OFFICE ACTION

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being provided in response to the Final Office Action dated October 28, 2008, for the above-captioned U.S. patent application.

Amendments to the Claims are listed beginning on page 2 of this paper.

Remarks begin on page 10 of this paper.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required for consideration of this paper (including fees for net addition of claims) are authorized to be charged in a Transmittal Letter filed herewith.